

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Civil Action No. 12 cv 4838

-against-

ROBERT GORDON, d/b/a ALL OF OUR BUTTS;
MARCIA GORDON; JOHN DOES 1-5, being persons
who own, are employed by or are associated with ALL OF
OUR BUTTS; REGIONAL INTEGRATED LOGISTICS,
INC., d/b/a REGIONAL PARCEL SERVICES; and JOHN
DOES 6-10, being persons who own, are employed by or
are associated with Regional Integrated Logistics, Inc. d/b/a
Regional Parcel Services,

NOTICE OF MOTION
TO DISMISS COMPLAINT

Defendants.
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PLEASE TAKE NOTICE that, upon the annexed Declaration of Adam J. Rader, dated September 7, 2012 and the exhibits annexed thereto; the accompanying Memorandum Of Law In Support Of Motion To Dismiss dated September 7, 2012; and all other pleadings and proceedings Defendant Robert Gordon, d/b/a All Of Our Butts and Defendant Marcia Gordon will move this Court, before the Honorable Jesse M. Furman, United States District Judge, in the courthouse at 500 Pearl Street, Courtroom 26A, New York, New York 10007, for an Order:

- 1) Dismissing the Complaint, with prejudice, for failure to state a claim, Fed.R.Civ.P. 12(b) (6), and for lack of subject matter jurisdiction, Fed.R.Civ.P. 12(b) (1) or, in the alternative, compelling Plaintiff to provide a more definite statement pursuant to Fed.R.Civ.P. 12 (e); and
- 2) Granting such other and further relief as the Court deems just and reasonable.

Dated: New York, New York
September 7, 2012

ANDERSON KILL & OLICK, P.C.
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(212) 278-1000

By: /s/ Adam J. Rader
Michael A. Lacher. (ML 8229)
Adam J. Rader (AR 3530)
Attorneys for Defendants Robert Gordon,
d/b/a All Of Our Butts and Marcia Gordon